

MINUTES
BOARD FOR LICENSING HEALTH CARE FACILITIES
August 2, 2006

The Board for Licensing Health Care Facilities was called to order by Dr. Larry Arnold on August 2, 2006, commencing at 9:00 a.m.

Ms. Thompson called the roll to establish a quorum.

Dr. Larry Arnold, Chairman
Dr. Duane Budd
Ms. Charlotte Burns
Ms. Elizabeth Chadwell
Ms. Estelle Garner
Mr. Robert Gordon
Mr. C. Luke Gregory
Mr. Jim Hastings
Ms. Charlsie Lankford
Ms. Carissa Lynch
Ms. Nancy Peace
Dr. Ronald Staples
Dr. Joe T. Walker
Mr. Carlyle Walton
Mr. James Weatherington

Members not present:

Mr. Alex Gaddy
Dr. Douglas Leahy
Ms. Annette Marlar
Dr. Jon Winter

Present and representing the Office of General Counsel:

Ms. Lucy Bond

Also present:

Ms. Ann Thompson, Director, Board for Licensing
Ms. Katy Gammon, Director, Health Care Facilities
Ms. Wanda Hines, Board Administrator
Ms. Faye Vance, East TN Regional Administrator
Ms. Shirley Jones, West TN Regional Administrator
Ms. Nina Monroe, Middle TN Regional Administrator
Mr. Bill Harmon, Director of Engineering

A quorum was established by roll call vote.

REPORTS

EMS Report

Trauma Care Sites Redesignation

Erlanger Medical Center, Chattanooga

University of Tennessee Medical Center Hospital, Knoxville

The Regional Medical Center at Memphis, Memphis

Vanderbilt University Medical Center, Nashville

Wellmont/Holston Valley Medical Center, Kingsport

Ms. Katy Gammon, Director of Health Care Facilities presented the report in Mr. Joe Phillips' absence. Ms. Gammon reported that Erlanger Medical Center in Chattanooga, University of Tennessee Medical Center in Knoxville, Regional Medical Center in Memphis, and Vanderbilt University Medical Center in Nashville had no deficiencies.

Wellmont/Holston Valley Medical Center in Kingsport had five deficiencies. This facility submitted a plan of correction and the Department has reviewed and accepted the plan of correction. Mr. Byron Trauger, Attorney for Wellmont/Holston was present. Mr. Trauger explained that they have taken the site visit very seriously and have addressed the five issues, specific issues about diversion and charting. Mr. Trauger explained in details their correction plans and stated that they are continuing to improve in these areas.

Motion was made by Dr. Walker, and seconded by Dr. Budd to:

APPROVE ALL FIVE TRAUMA CENTERS TO CONTINUE AS A LEVEL 1 DESIGNATION AND MAKE ANOTHER SITE VISIT FOR WELLMONT/HOLSTON IN 12 MONTHS.

Motion carried by voice vote.

Department Report

Nurse Aide Report

The Nurse Aide Report was included in the board packet. Any questions regarding the Nurse Aide Report, Wanda King, Nurse Aide Coordinator was in the audience to answer any questions.

DISCUSSION

Contested Case Hearings – Regarding Sprinkler Compliance

Sparta Residential Home, Sparta

Administrative Law Judge, Philip Barber was present and presided for the contested case hearing for Residential Home for the Aged facilities that were not in compliance with the sprinkler

requirement. Ms. Lucy Bond, Attorney for the Office of General Counsel representing the Department was also present.

Ms. Nancy Winters, Respondent and owner of Sparta Residential Home was present. Ms. Winters' daughter Ms. Doreia Denny was also present. Ms. Winter asked for another continuance due to her attorney could not be present and she felt this was over her head in going forward with the hearing today. Ms. Bond made note that one continuance had been granted based on deaths in Ms. Winters' family. The administrative law judge asks the Board to decide if they wish to grant another continuance.

Motion was made by Dr. Walker, and seconded by Dr. Staples to:

GRANT A CONTINUANCE OF THIS CONTESTED CASE HEARING WITH SPARTA RESIDENTIAL HOME UNTIL THE NEXT BOARD MEETING WHICH IS SCHEDULED FOR NOVEMBER 1, 2006.

Motion carried by voice vote.

Proposed Meeting Dates for 2007

The proposed meeting dates for 2007 were presented to the Board for approval for the next calendar year.

Motion was made by Mr. Walton, and seconded by Ms. Burns to:

ACCEPT THE PROPOSED MEETING DATES FOR THE NEXT CALENDAR YEAR OF 2007.

Motion carried by voice vote.

Selecting of Board Secretary

The board secretary position is vacant and the board needed to select someone to fill this position. Nominations from the board members were made for Mr. Robert Gordon and Dr. Joe Walker. The new board secretary was chosen by the show of hands. Mr. Robert Gordon was elected as the new board secretary.

Policy #32 Amended

The Department requested to amend Board Policy No. 32 by deleting the following language, "and assisted care living facilities." Ms. Katy Gammon, Director of Health Care Facilities explained to the Board that years ago nursing homes only had outpatient therapy. At the May 13, 1998 board meeting the Department asked to include residential home for the aged and assisted care living facilities. At that time the assisted care living facility rules had just been in place for one month. The Department faulted in bringing that forward to the Board because of the language in the rules, the definition, and Number (6) of assisted care living. The Board has the authority to waive a rule but not a law therefore it is outside the authority of the Board. The Department is asking the Board to remove the assisted care living portion of this board policy.

Ms. Carrie Ermshar, Director of the Tennessee Association of Homes and Services for the Aging was present and wanted to speak regarding this propose change. Ms. Ermshar expressed concerns with taking assisted care living facilities out of Policy No. 32. Ms. Ermshar presented a letter to the board members to review that summarizes the association's concerns. Ms. Ermshar stated that in the best interest of the residents of assisted care living facilities to take away this option to receive outpatient therapy services, which is a choice of the resident in their community. The outpatient services are something that is a complement or an addition to the inpatient therapy services, which would be provided by home health. Ms. Ermshar and Ms. Gammon answered several questions from the board members regarding this issue.

Motion was made by Dr. Budd, and seconded by Dr. Walker to:

**REMOVE THE LANGUAGE "AND ASSISTED CARE LIVING FACILITIES"
FROM BOARD POLICY MEMORANDUM NO. 32.**

Motion carried by voice vote.

REGULATIONS

Continuance from June 28th meeting: Physician Orders for Scope of Treatment (POST) Form

Ms. Thompson explained to the Board that a housecleaning issue concerning the POST form during the board meeting that occurred February 2, 2005 to complete the final filing process. At the previous board meeting in June this was tabled for further discussion. The task force met again regarding the POST form and interpretative guidelines was developed for the POST form as well. Ms. Gammon informed the Board that any recommendations the task force make in the future will be brought back to the Board for amendments. The issue now is to incorporate the POST form into the rule.

Motion was made by Mr. Walton, and seconded by Ms. Chadwell to:

**FORWARD THE PHYSICIAN ORDERS FOR SCOPE OF TREATMENT (POST)
FORM FOR FINAL FILING TO INCORPORATE IN THE RULES.**

Motion carried by roll call vote.

BOARD APPROVAL FOR RULEMAKING HEARING

1200-8-29 Standards for Home Care Organizations Providing Home Medical Equipment

Motion was made by Ms. Chadwell, seconded by Mr. Gordon to:

**SEND THE STANDARDS FOR HOME CARE ORGANIZATIONS PROVIDING
HOME MEDICAL EQUIPMENT RULES FOR RULEMAKING HEARING.**

Motion carried by roll call vote.

BOARD APPROVAL FOR FINAL FILING

1. Adult Protective Services Amendment for:

1200-8-2 Standards for Prescribed Child Care Centers

1200-8-6 Standards for Nursing Homes

1200-8-34 Standards for Home Care Organizations Providing Professional Support Services

Motion was made by Ms. Chadwell, and seconded by Dr. Budd to:

SEND THE STANDARDS FOR PRESCRIBED CHILD CARE CENTERS, STANDARDS FOR NURSING HOMES, AND STANDARDS FOR HOME CARE ORGANIZATIONS PROVIDING PROFESSIONAL SUPPORT SERVICES REGARDING ADULT PROTECTIVE SERVICES AMENDMENT FOR FINAL FILING.

Motion carried by roll call vote.

2. Reconsiderations and Stays Amendment for:

1200-8-1 Standards for Hospitals

1200-8-2 Standards for Prescribed Child Care Centers

1200-8-6 Standards for Nursing Homes

1200-8-7 Residential Home for Aged Quality Enabling Program

1200-8-10 Standards for Ambulatory Surgical Treatment Centers

1200-8-11 Standards for Homes for the Aged

1200-8-15 Standards for Residential Hospices

1200-8-17 Alcohol and other Drugs of Abuse Residential Rehabilitation Treatment Facilities

1200-8-18 Alcohol and other Drugs of Abuse Non-Residential Treatment Facilities

1200-8-19 Alcohol and other Drugs of Abuse DUI School Facilities

1200-8-20 Alcohol and other Drugs of Abuse Prevention Program Facilities

1200-8-21 Alcohol and other Drugs of Abuse Non-Residential Narcotic Treatment Facilities

1200-8-22 Alcohol and other Drugs of Abuse Halfway House Treatment Facilities

1200-8-23 Alcohol and other Drugs of Abuse Residential Detoxification Treatment Facilities

1200-8-24 Standards for Birthing Centers

1200-8-25 Standards for Assisted-Care Living Facilities

1200-8-26 Standards for Home Care Organizations Providing Home Health Services

1200-8-27 Standards for Home Care Organizations Providing Hospice Services

1200-8-28 Standards for HIV Supportive Living Facilities

1200-8-29 Standards for Home Care Organizations Providing Home Medical Equipment

1200-8-32 Standards for End Stage Renal Dialysis Clinics

1200-8-34 Standards for Home Care Organizations Providing Professional Support Services

1200-8-35 Standards for Outpatient Diagnostic Centers

Motion was made by Mr. Walton, and seconded by Ms. Burns to:

SEND THE STANDARDS FOR HOSPITALS, STANDARDS FOR PRESCRIBED CHILD CARE CENTERS, STANDARDS FOR NURSING HOMES, RESIDENTIAL HOME FOR THE AGED QUALITY ENABLING PROGRAM, STANDARDS FOR AMBULATORY SURGICAL TREATMENT CENTERS, STANDARDS FOR HOMES FOR THE AGED, STANDARDS FOR RESIDENTIAL HOSPICES, ALCOHOL AND OTHER DRUGS OF ABUSE RESIDENTIAL REHABILITATION TREATMENT FACILITIES, ALCOHOL AND OTHER DRUGS OF ABUSE NON-RESIDENTIAL TREATMENT FACILITIES, ALCOHOL AND OTHER DRUGS OF ABUSE DUI SCHOOL FACILITIES, ALCOHOL AND OTHER DRUGS OF ABUSE PREVENTION PROGRAM FACILITIES, ALCOHOL AND OTHER DRUGS OF ABUSE NON-RESIDENTIAL NARCOTIC TREATMENT FACILITIES, ALCOHOL AND OTHER DRUGS OF ABUSE HALFWAY HOUSE TREATMENT FACILITIES, ALCOHOL AND OTHER DRUGS OF ABUSE RESIDENTIAL DETOXIFICATION TREATMENT FACILITIES, STANDARDS FOR BIRTHING CENTERS, STANDARDS FOR ASSISTED-CARE LIVING FACILITIES, STANDARDS FOR HOME CARE ORGANIZATIONS PROVIDING HOME HEALTH SERVICES, STANDARDS FOR HOME CARE ORGANIZATIONS PROVIDING HOSPICE SERVICES, STANDARDS FOR HIV SUPPORTIVE LIVING FACILITIES, STANDARDS FOR HOME CARE ORGANIZATIONS PROVIDING HOME MEDICAL EQUIPMENT, STANDARDS FOR END STAGE RENAL DIALYSIS CLINICS, STANDARDS FOR HOME CARE ORGANIZATIONS PROVIDING PROFESSIONAL SUPPORT SERVICES, AND STANDARDS FOR OUTPATIENT DIAGNOSTIC CENTERS FOR RECONSIDERATIONS AND STAYS AMENDMENT FOR FINAL FILING.

Motion carried by roll call vote.

WAIVER REQUESTS

Ms. Thompson gave a brief summary of each of the following waiver requests:

CENTERPOINTE RESIDENTIAL AND DETOX CENTER, KNOXVILLE

This alcohol and drug residential and detox facility is seeking a waiver to allow to place no more than four (4) beds per room. This would be an exception to state regulations 1200-8-17-.07(25) and Rule 1200-8-23-.07(25).

Mr. Jerry Vagnier, Vice President and other representatives were present from Helen Ross McNabb Center/Centerpointe Residential and Detox Center. They stated that the rule change regarding number of beds affect their capacity at the facility. Centerpointe is the only provider of detox and residential treatment for individuals who are indigent in the Knoxville area. All of their residents are ambulatory and the facility feel there would not be any impact of their patient safety to have four beds per room. The facility plans are to expand to accommodate up to four in

a room. Ms. Gammon stated to the Board that the Department would only recommend this for this type of A & D residential because of the short stay.

Motion was made by Mr. Hastings, and seconded by Mr. Gordon to:

GRANT A WAIVER TO ALLOW THIS FACILITY TO PLACE NO MORE THAN FOUR (4) BEDS PER ROOM.

Motion carried by voice vote.

MOUNTAINVIEW REHABILITATION AND NURSING CENTER, WINCHESTER

Mountainview Rehabilitation and Nursing Center is requesting a waiver of the requirement for a licensed nursing home administrator for this one hundred twenty (120) bed facility until an administrator is hired. The facility is seeking for Ms. Cathy Cantelupo to serve as an interim administrator until she is licensed in Tennessee. Ms. Cantelupo currently holds a NHA license in Alabama and Georgia.

Motion was made by Dr. Walker, and seconded by Dr. Budd to:

GRANT A SIX (6) MONTH WAIVER EXTENSION TO ALLOW THE FACILITY TO OPERATE WITHOUT A LICENSED NURSING HOME ADMINISTRATOR UNTIL A PERMANENT ADMINISTRATOR CAN BE HIRED.

Motion carried by voice vote.

TENNESSEE CHRISTIAN MEDICAL CENTER-PORTLAND

Tennessee Christian Medical Center-Portland is requesting to change the license from a satellite of Tennessee Christian Medical Center-Madison to a free-standing license and change the ownership from Portland to Hendersonville Hospital Corporation. The effective date of this transaction will become effective on September 1, 2006.

TENNESSEE CHRISTIAN MEDICAL CENTER-PORTLAND AND HENDERSONVILLE MEDICAL CENTER-SATELLITE REQUEST

Hendersonville Medical Center, a 110-bed facility is seeking a waiver for Tennessee Christian Medical Center-Portland Campus, a 38-bed facility located in Portland, TN to become a satellite of Hendersonville Medical Center. Both the change of ownership and the satellite status to TCMC-Portland will have an effective date of September 1, 2006.

TENNESSEE CHRISTIAN MEDICAL CENTER-MADISON AND SKYLINE MEDICAL CENTER-SATELLITE REQUEST

Skyline Medical Center, 194-bed facility is seeking a waiver for Tennessee Christian Medical Center-Madison, a 273-bed facility, (50 for Rehab Unit and 90 Psychiatric Unit and 133 Medical/Surgical beds) located in Madison, TN to become a satellite of Skyline Medical Center. Both the change of ownership and the satellite status to TCMC-Madison will have an effective date of December 1, 2006.

Ms. Thompson stated to the Board that the following waiver requests are interrelated. Mr. Jerry Taylor, Attorney is representing four HCA facilities in the next three waivers. The four HCA facilities representatives were present to answer questions from the Board. Mr. Taylor stated that a realignment of some of these facilities is their purpose to do today. Mr. Taylor explained that these scenarios will have different effective dates to their cost reporting year. All of these changes allow consolidated cost reporting on behalf of the hospitals, consolidating billing situations, and cleaner and easier lines of authority for management purposes. Mr. Taylor states that what they are trying to do will not affect the facilities or have any effect on services provided or detrimental impact on any health care.

Motion was made by Dr. Walker, and seconded by Dr. Budd to:

GRANT A WAIVER EFFECTIVE DATE OF SEPTEMBER 1, 2006 TO ALLOW TENNESSEE CHRISTIAN MEDICAL CENTER-PORTLAND TO NO LONGER BE A SATELLITE OF TENNESSEE CHRISTIAN MEDICAL CENTER-MADISON AND BECOME A FREE-STANDING LICENSED FACILITY AND GRANT A WAIVER TO ALLOW TENNESSEE CHRISTIAN MEDICAL CENTER-PORTLAND TO BECOME A SATELLITE OF HENDERSONVILLE MEDICAL CENTER. ALSO, GRANT A WAIVER EFFECTIVE DATE OF DECEMBER 1, 2006 TO ALLOW TENNESSEE CHRISTIAN MEDICAL CENTER-MADISON TO BECOME A SATELLITE OF SKYLINE MEDICAL CENTER.

Motion carried by voice vote.

BRADLEY COUNTY MEMORIAL HOSPITAL AND CLEVELAND COMMUNITY HOSPITAL-SATELLITE REQUEST

Cleveland Community Hospital, a 100-bed facility is seeking a waiver for Bradley County Memorial Hospital, a 251-bed facility located in Cleveland, TN to become a satellite of Cleveland Community Hospital.

Bill West, Attorney and representatives from Cleveland Community Hospital was present. Mr. West stated that Bradley County Memorial Hospital was a public hospital and over the recent years it has been difficult to continue the way they had been in the past and they decided to sell. Community Health Systems of Brentwood who owns Cleveland Community Hospital now owns Bradley County Memorial Hospital. They wanted to consolidate these hospitals and have Bradley County Memorial Hospital for satellite designation of Cleveland Community Hospital.

Motion was made by Mr. Gregory, and seconded by Mr. Weatherington to:

GRANT A WAIVER EFFECTIVE DATE OF NOVEMBER 1, 2006 TO ALLOW BRADLEY COUNTY MEMORIAL HOSPITAL TO BECOME A SATELLITE OF CLEVELAND COMMUNITY HOSPITAL.

Motion carried by voice vote.

CONSENT CALENDAR

Motion was made by Mr. Gordon, and seconded by Dr. Budd to:

APPROVE WAIVER REQUESTS ON THE CONSENT CALENDAR.

Motion carried by voice vote.

THE FOLLOWING FACILITY IS REQUESTING APPROVAL TO PROVIDE SHARE SERVICES ACCORDANCE WITH BOARD POLICY #51:

Beacon Pointe of Franklin, Franklin

THE FOLLOWING NURSING HOME IS REQUESTING A WAIVER TO PROVIDE OUTPATIENT THERAPY SERVICES AS PROVIDED FOR BY BOARD POLICY #32:

Weakley County Nursing Home, Dresden

With all business concluded, Dr. Arnold adjourned the meeting.

Respectfully submitted,

Robert Gordon
Board Secretary